

LAWS OF THE GILBERT ISLANDS
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CHAPTER 29

EDUCATION

ARRANGEMENT OF SECTIONS

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An Ordinance to reform the law relating to education

9 of 1976

Commencement: 10th September 1976 L.N. 60/78**PART I****PRELIMINARY**

1. This Ordinance may be cited as the Education Ordinance. Short title

2. In this Ordinance, unless the context otherwise requires— Interpretation

“authorised officer” means any public officer authorised to act by the Secretary either generally or for a purpose specified in this Ordinance;

“controlling authority” means the person or persons responsible for the establishment and maintenance or for the maintenance of any non-Government school, or in the case of application for registration of any non-Government school, the person or persons proposing to be responsible;

“Government school” means a school established or conducted under section 4 or established or maintained by a local government council;

“manager” means the person directly responsible to the controlling authority for the control and management of a non-Government school;

“non-Government school” means any school other than a Government school;

“parent” in relation to any pupil or child includes a guardian and any person who has the actual custody of the pupil or child;

“pupil” means a person attending a school or institution for the purpose of undergoing instruction or receiving education;

“school” means any place at which any secular instruction is given to 6 or more pupils but does not include any institution or assembly which the Minister has by order wholly or partially exempted from the provisions of this Ordinance.

PART II

GENERAL POWERS OF MINISTER

Promotion of
education

3. The Minister may make such arrangements as he considers necessary to ensure that educational and training opportunities are provided for children according to their age, aptitude and ability, and for adults.

Minister may
establish,
conduct and
discontinue
Government
schools and
institutions

4. The Minister may establish, maintain, develop and conduct schools, institutions and other educational facilities and may discontinue any such school, institution or educational facility.

Grants in aid
of education

5. The Minister may make grants in aid of education (hereinafter referred to as grants) to a controlling authority or to a local government council.

Scholarships

6. The Minister may award scholarships entitling the holders to the reimbursement of all or part of the costs incurred in their secondary or tertiary education or training whether within or without the Gilbert Islands.

Establishment
of boards of
governors
and school
committees

7. If, in the opinion of the Minister, the establishment of a board of governors or a school committee would be in the interests of any government school or group of schools, he may establish a board of governors or school committee for the school or group of schools with such membership, powers, duties and functions as he may determine.

PART III

THE EDUCATIONAL ADVISORY COMMITTEE

Educational
Advisory
Committee

8. (1) There shall be a committee to be known as the Educational Advisory Committee (referred to in this Part as the Committee) which shall consist of 10 members.

(2) The Chairman and other members of the Committee shall be appointed by the Minister from among persons of experience in education.

(3) Members of the Committee shall hold office for 3 years (or, if appointed to fill any vacancy, the remainder of the 3-year term for which the original member was appointed) but shall be eligible for re-appointment.

(4) The Secretary to the Committee shall be an officer of the Ministry appointed by the Secretary.

9. The functions of the Committee shall be—

Functions of
the Commit-
tee

- (a) to consider and make recommendations upon any matter referred to it either under the provisions of this Ordinance or by the Minister; and
- (b) to advise and assist the Minister on the formulation of plans and policies for the development of education.

10. (1) The Committee may—

Procedure
and meetings

- (a) appoint and decide the constitution and functions of sub-committees of the Committee;
- (b) regulate its own procedure in so far as the same is not prescribed by or under the provisions of this Ordinance; and
- (c) at the discretion of the Chairman, invite any person to attend and take part in any meetings of the Committee or its sub-committees, provided that such person or persons shall not be entitled to vote thereat.

(2) The Committee shall meet at such times as the Secretary may decide:

Provided that if he receives a written request signed by 4 members of the Committee, he shall summon a meeting of the Committee to take place within a period of 3 weeks from the date of receipt of the said request.

11. The quorum of the Committee shall be 5.

Quorum

12. It shall be the duty of the Secretary to report to the Committee the action taken on any matter on which the Committee has advised the Minister.

Report

PART IV

CONTROL OF NON-GOVERNMENT SCHOOLS

13. No non-Government school shall be established or conducted unless such school is registered in accordance with the provisions of this Part.

All non-
Government
schools to be
registered

14. (1) Any controlling authority intending to establish a non-Government school shall apply to the Secretary in the prescribed form for the school to be registered.

Registration
of non-
Government
schools

(2) The Secretary may register the school and issue the controlling authority with a certificate of registration or he may refuse the application if he is satisfied that—

- (a) the number of potential pupils in the area capable of benefiting from the facilities offered by the proposed school is too small to warrant the establishment of such a school; or
- (b) the proposed site, or premises, or accommodation to be provided are unsuitable or inadequate for the type of school sought to be established; or
- (c) adequate provision already exists for the type of education which it is proposed to give in the school; or
- (d) adequate or suitable instruction will not be provided at the school having regard to the classification of the school sought and the age and sex of its proposed pupils; or
- (e) the controlling authority or manager of the school is not a suitable or appropriate person or the controlling authority includes any person not a suitable or appropriate person to be the controlling authority of a school.

(3) If the Secretary refuses an application for a certificate or registration under subsection (2) the applicant may, within 30 days of the date of such refusal, appeal to the Minister and the Minister shall thereupon refer the matter to the Educational Advisory Committee for its opinion and on receipt of the opinion of the Committee shall decide the appeal on its merits, and his decision shall be final.

(4) A certificate of registration issued under subsection (2) may classify the school in a category which specifies the highest form or type of education which may be provided therein and may also specify any other condition which the Secretary sees fit to impose.

Register of
non-Govern-
ment schools

15. (1) The Secretary shall keep a register of non-Government schools in respect of which a certificate of registration has been issued and shall include therein the name and place of each school, the classification of the school, the name of the controlling authority, the name of the manager, if any, the conditions on which the certificate of registration has been granted and such other particulars as the Minister may prescribe by Regulations.

(2) The Secretary shall publish from time to time a list of schools for the time being registered or deemed to be registered under the provisions of this Ordinance and of any schools the registration of which has been cancelled pursuant to section 16.

(3) No controlling authority shall divest itself of its interest in a registered school, or shall alter the place of the school, or its manager, or the type and form of education from the type and form of education falling within the classification in which the school is registered, without the Secretary first approving the alteration and amending the register and certificate of registration and the requirement for such approval shall be deemed to be a condition of registration imposed under section 14 (4).

16. (1) The Secretary may at any time cancel the registration of any registered non-Government school and order the controlling authority to close the school if he is satisfied that—

Cancellation
of registra-
tion

- (a) it is conducted in a manner detrimental to the physical, mental or moral welfare of pupils; or
- (b) the accommodation is inadequate, overcrowded, unsafe, or otherwise detrimental to health and the defects cannot be remedied at reasonable expense; or
- (c) adequate or suitable instruction is not provided having regard to its classification or the age and sex of the pupils or the basic curriculum laid down or approved by the Minister is persistently and materially departed from or religious instruction is not provided as part of the curriculum; or
- (d) any publication which is for the time being declared unsuitable for use in schools by the Minister is or has been, after the date of such declaration, used in, or in the course of, or as part of, the instruction provided at the school; or
- (e) the school has failed to conform with the conditions imposed in or deemed to be imposed in the certificate of registration or the particulars supplied when the certificate of registration was applied for; or
- (f) a person who has not been registered or approved as a teacher in accordance with the provisions of Part VI is employed to teach at the school or any person is managing or assisting in the management of the school after having been convicted of any offence involving fraud, dishonesty, violence or immorality.

(2) Where the registration of a school has been cancelled under subsection (1) the controlling authority may, within 30 days of the date of such cancellation, appeal against the cancellation to the Minister and pending the disposal of the appeal the Minister may in his discretion permit the school to remain open.

(3) The Minister shall before deciding such appeal refer the matter to the Educational Advisory Committee for its opinion and

on receipt of the opinion of the Committee shall decide the appeal on its merits.

(4) The decision of the Minister on an appeal under subsection (3) shall be final.

Offences

17. (1) Any person who establishes, maintains or conducts a non-Government school without a certificate of registration in force in respect thereof or otherwise than in accordance with its conditions or who administers or assists in the management of such a school shall be liable to a fine of \$200 and to a fine of \$5 for each day on which the offence continues after conviction therefor.

2 of 1955

(2) A non-Government school registered under the corresponding provisions of the Education Ordinance 1955, now repealed, shall be deemed to have been registered under this Part and to have a certificate of registration in force containing such particulars and conditions as are contained in the register of non-Government schools kept under section 29 of that Ordinance in respect of that school and section 15 (3) of this Ordinance shall apply to such school accordingly.

PART V

FURTHER POWERS OF MINISTER IN RESPECT OF ALL SCHOOLS

Curricula and examinations

18. (1) The Minister may from time to time lay down or approve the basic curricula to be followed in all schools.

(2) The Minister may from time to time institute or approve such examinations as he shall deem necessary for such schools and make rules concerning the content and conduct of such examinations.

Religious instructions in schools

19. (1) All schools shall include religious instruction in their curricula.

(2) A teacher shall not be compelled to give or be present at religious instruction or any act of religious worship if to do so would be against the dictates of his conscience.

(3) If a parent of any pupil requests that such pupil be wholly or partly excused from attending religious instruction or any act of religious worship in a school the pupil shall be excused such attendance wholly or partly as the case may be.

Inspection of schools

20. (1) The Minister shall cause inspections to be made of every school at such intervals as may appear to him to be appropriate.

(2) The Minister or any authorised officer may enter and inspect any place in which there is reason to believe that a school is being conducted.

(3) Any person who wilfully obstructs the Minister or any authorised officer making an inspection under this section shall be liable to a fine of \$100.

PART VI

TEACHERS

21. No person shall teach in any school unless he has been registered or approved in accordance with this Part. Teachers to be registered or approved

22. (1) The Secretary shall keep a register of registered teachers which shall contain in respect of each teacher registered therein his name, his education and professional training, his academic and professional qualifications, his grade, the date he was registered and such other particulars as may be prescribed. Register of teachers

~~(2) The register of teachers shall be open to the public for inspection at the offices of the Ministry during its normal hours of business.~~

23. (1) Subject to the provisions of this Ordinance and regulations made under it the Secretary shall have power to grant or refuse any application for registration under the last preceding section: Registered teachers

Provided that no person shall be registered as a teacher unless he holds a teaching qualification recognised by the Minister; and

Provided further that any person whose application for registration has been refused may appeal to the Minister and the Minister shall thereupon refer the matter to the Educational Advisory Committee for its opinion. On receipt of the opinion of the Committee the Minister shall decide the appeal on its merits and his decision shall be final.

(2) The Secretary shall issue a certificate of registration to any teacher registered by him as a teacher in accordance with the provision of this section.

24. (1) The Secretary may, subject to the provisions of this Ordinance and any regulations made under it, approve the employment in any school of a teacher who is not otherwise qualified for registration but who in the opinion of the Minister or Secretary should be permitted to teach. Approved teachers

(2) The Secretary shall issue a certificate of approval to any person approved by him in accordance with the provisions of this section.

Cancellation
of registra-
tion or
approval

25. (1) If at any time it shall appear to the Secretary that all or any of the grounds mentioned in the next succeeding subsection exist in relation to a registered or approved teacher, he shall give full particulars thereof in writing to the teacher and require him within a specified time not exceeding 1 month from the date of the notice to show cause in writing to the satisfaction of the Secretary why his certificate of registration or approval as the case may be shall not be cancelled.

(2) The grounds upon which a registered or approved teacher may be required to show cause under this section are that he—

(a) has been guilty of dereliction of duty or conduct unbecoming a teacher; or

(b) has been convicted of an offence involving dishonesty, fraud, immorality or violence; or

(c) has imparted to any pupil any instruction which is detrimental to the physical, mental or moral welfare of the pupil; or

(d) has given false information relating to his character, qualifications and experience; or

(e) has failed to comply with the provisions of this Ordinance or regulations made hereunder or with declarations or directions made by the Minister under these provisions and applicable to him.

(3) After expiration of the time specified in a notice under this section the Secretary shall cancel the registration or approval as the case may be of the teacher to whom the notice relates unless the teacher has shown cause against such cancellation to the satisfaction of the Secretary.

(4) The Secretary shall give to the teacher concerned notice in writing of his decision under subsection (3) and, where appropriate, to the controlling authority of the school in which the teacher concerned is employed.

Appeals

26. (1) Any teacher whose registration or approval has been cancelled by the Secretary may within 30 days appeal to the Minister who shall before deciding such appeal refer it to the Educational Advisory Committee for its opinion.

(2) On receipt of the opinion of the Committee the Minister shall decide the appeal on its merits and his decision shall be final.

(3) Any person whose registration or approval as a teacher has been cancelled and who has not appealed under subsection (1) or whose appeal has been dismissed may, at any time after the expiration of 12 months from the date of such cancellation, and from time to time at intervals of not less than 6 months thereafter, apply to the Secretary for the restoration of such registration or approval and the Secretary may, having regard to the character of such person, his conduct subsequent to such cancellation and any other circumstances which the Secretary may consider relevant, restore such registration or approval or may refuse the application.

27. If any person teaches in any school without being registered or approved as a teacher, he shall be liable to a fine of \$50 for the first offence and a fine of \$100 for each subsequent offence: Offences

Provided that a person registered or approved as a teacher under the corresponding provisions of the Education Ordinance 1955, 2 of 1955 now repealed, shall be deemed to have been registered or approved as a teacher under this Part; and

Provided further that it shall not be an offence under this section for a person whose registration or approval has been cancelled by the Secretary under this Ordinance to teach or assist in teaching pending the determination of any appeal lodged by him under the provisions of section 26 unless such person has been suspended from duty.

28. (1) No teacher, other than a headteacher, shall administer corporal punishment to any pupil. Corporal punishment

(2) If a headteacher administers corporal punishment to any pupil, he shall record details of the punishment administered and the offence for which the corporal punishment was administered in a book to be kept at the school for that purpose.

(3) The Minister may give directions for further controlling corporal punishment in schools.

PART VII

COMPULSORY EDUCATION

29. (1) The Minister may by order provide, either generally or in respect of the whole or part of any 1 or more islands and subject to such exemption as shall be specified, that the parent of every child of a specified age or ages shall secure the regular education of his child at a registered non-Government or Government school or by such means as the Minister may approve. Compulsory education

(2) Every parent who neglects to obey such an order, or without sufficient cause ceases to do so, shall be liable to a fine of \$5 and to a fine of \$1 for each day on which the offence continues after conviction therefor.

PART VIII

MISCELLANEOUS AND REGULATIONS

Misrepresenta-
tions**30.** Any person who—

- (a) wilfully makes any false entry in any record or return or other document required to be made, kept or submitted under this Ordinance or Regulations made under it; or
- (b) wilfully misrepresents himself to be the controlling authority of a registered school or to be a registered or approved teacher or to be qualified as a teacher shall be liable to imprisonment for 6 months or to a fine of \$200.

Disturbing
school

31. Any person who wilfully disturbs or interrupts the instruction being given in any school, or who insults or abuses any teacher in the presence or hearing of pupils assembled in the school or in the grounds of the school in which the teacher is engaged, shall be liable to imprisonment for 2 months or to a fine of \$50.

Fees

32. (1) The Minister may charge fees for tuition or board and lodging at any Government school or institution and may prescribe fees for tuition, board and lodging at non-Government schools in receipt of a grant under section 5:

Provided that the Minister may, in his discretion, pay or remit in whole or in part any such fees in any particular case.

(2) A parent of a pupil shall be liable for all fees due in respect of such pupil at a school or institution whether or not the pupil was enrolled by him.

Unsuitable
publications

33. The Minister, after taking the advice of the Educational Advisory Committee, may declare by notice that any publication is unsuitable for use in schools.

Regulations

34. (1) The Minister may make regulations for carrying out the purposes of this Ordinance.

(2) In particular and without limiting the generality of the foregoing power such regulations may provide for or relate to the following matters—

- (a) the fees to be charged for tuition and board and lodging at a school;

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- (b) the application for registration of a non-Government school;
 - (c) the conditions under which and the purposes for which grants may be made to non-Government schools;
 - (d) the application by teachers for registration of approval;
 - (e) the minimum standards required for recognising a teaching qualification and the gradings of teachers;
 - (f) the basic curricula for schools and the standards of accommodation for non-Government schools;
 - (g) the securing of school attendance when an Order has been made under section 29 and the temporary exclusion from schools of disruptive pupils;
 - (h) the ratio to registered teachers in which approved teachers may be employed in any school;
 - (i) the terms and conditions governing the granting of scholarships;
 - (j) the manner of any appeal brought under the provisions of this Ordinance;
 - (k) ~~the classification of schools; and~~
 - (l) any other matter or thing which by this Ordinance may be prescribed or which is incidental or ancillary to any of the foregoing.

35. The Minister may by notice prescribe forms to be used for ^{Forms} the purposes of this Ordinance.

NOTE: The Subsidiary Legislation is specifically omitted.